

North Valley Character Study: Code Amendments for Residential Zones

CHAPTER 1: BACKGROUND AND RATIONALE FOR THE NORTH VALLEY CODE AMENDMENTS

Chapter 1 provides supporting information on the purpose and intent of the North Valley Overlay Zone District and related zoning code amendments relating to residential development. It is not regulatory. Regulations are contained in Chapter 2 of this document.

A. PURPOSE OF THE NEW ZONE

The purpose of the North Valley Overlay Zone regulations is to implement policies of the North Valley Area Plan within the City of Albuquerque incorporated portion of the valley. The North Valley Area Plan describes and recommends protection and preservation of sensitive environmental aspects, farming heritage, and unique community architecture forms. North Valley Area Plan policies and recommendations have been evaluated and responded to in the overlay zone. The regulations provide area-specific guidance to development and design characteristics of new residential development in the North Valley. Current conditions and best practices were studied to arrive at the proposed regulations.

B. POLICY DIRECTION FROM THE NORTH VALLEY AREA PLAN AND OTHER PLANS

The North Valley Area Plan was adopted as a Rank II Plan by the City of Albuquerque City Council and the Bernalillo County Board of County Commissioners in 1993. While the geography of the North Valley addressed in the Plan includes unincorporated county lands as well as the Village of Los

Ranchos, the North Valley Design Overlay Zone only applies to the portion of the area within the City of Albuquerque.

What is North Valley Character?

The Area Plan states that the following characteristics are unique to the North Valley:

- “It is the visual access to open space and agricultural land that defines much of the rural character of valley areas.”
- Unique, fragile, irreplaceable
- Ditches for irrigation and drainage
- Old homes, old village areas
- Open fields, open spaces
- Cottonwoods and bosque
- River
- History of agriculture, farmland, and pastures
- Semi-rural lifestyle
- Opportunities for low-impact recreation
- Ditches for irrigation, recreation, shortcuts, connections to river and activity centers, to tie open spaces together

According to the Area Plan, rural character areas have one or more of the following:

- A mixed pattern of lot sizes and shapes and housing types, sizes and styles reflecting older settlement patterns and agricultural activities
- Agricultural uses like livestock keeping, gardens/farms, greenhouses and nurseries, irrigation ditches
- Less infrastructure than is associated with urban development such as curbs, gutters, sidewalks, standard width paved streets
- Low density or appearance of low density because of public and private open space, vacant land, and varied setbacks

Typical subdivisions are not associated with rural character.

The photographs below show some of the elements that residents define as valley character.



The following goals and policies of the North Valley Area Plan (paraphrased in this document for brevity) provide substantive guidance for topics addressed in the North Valley Design Overlay Zone.

- Cluster Housing and Village Centers sections of the Area Plan are guides to subsequent planning including sector plans and design overlay zoning.
- In Semi-Urban and Rural areas, use rural development standards to encourage diverse lot sizes, shapes and housing types within subdivisions, retention of ditch access, non-asphalt streets, soft-surfaced trails instead of sidewalks.
- Remove disincentives, provide incentives and/or require housing development which meets cluster housing principles, preserves open land, provides new housing at appropriate densities, lowers infrastructure costs, and

enables design flexibility and creativity

- Amend City Zoning Ordinance to add principles of development clustering.
- Reduce cluster housing district minimum size in RA-2 to 2 acres (*accomplished in the Private Commons Development ordinance adopted in 1995, and refined in the Overlay Zone*)
- Allow reduced standard street widths (*not yet fully accomplished*)
- Allow construction of soft-surface trails instead of sidewalks
- Encourage retention of access to ditches for irrigation and recreation
- Encourage a variety of lot sizes and housing types in new developments
- Enact a tree protection ordinance to require saving healthy, viable cottonwoods through site design and enhanced on-site water infiltration.
- Agriculture and Rural Character Policies
 - Support/promote preferential taxation for agriculture property
 - Promote small-scale agriculture and retention of open space by supporting local growers and cluster housing (non-regulatory programs are still recommended)
 - Encourage or require retention of ditch access for open space and irrigation, including preparation of an acequia multiple use study
 - Request MRGCD to adopt public notification procedures in the event of proposed ditch closures (non-regulatory, but relates to waterway regulations in the Design Overlay Zone)

In addition to the North Valley Area Plan, several Rank III sector plans and corridor plans have been adopted by the City to provide more specific guidance, and in some cases, Special Use (SU-2) zoning and corridor design overlay zones. In the future other Rank III plans are likely to be prepared in the area. Following are brief summaries of the sector and corridor plans regarding North Valley character.

- Los Duranes Sector Development Plan, adopted in 1977 and amended in 1981, is currently at the beginning of an

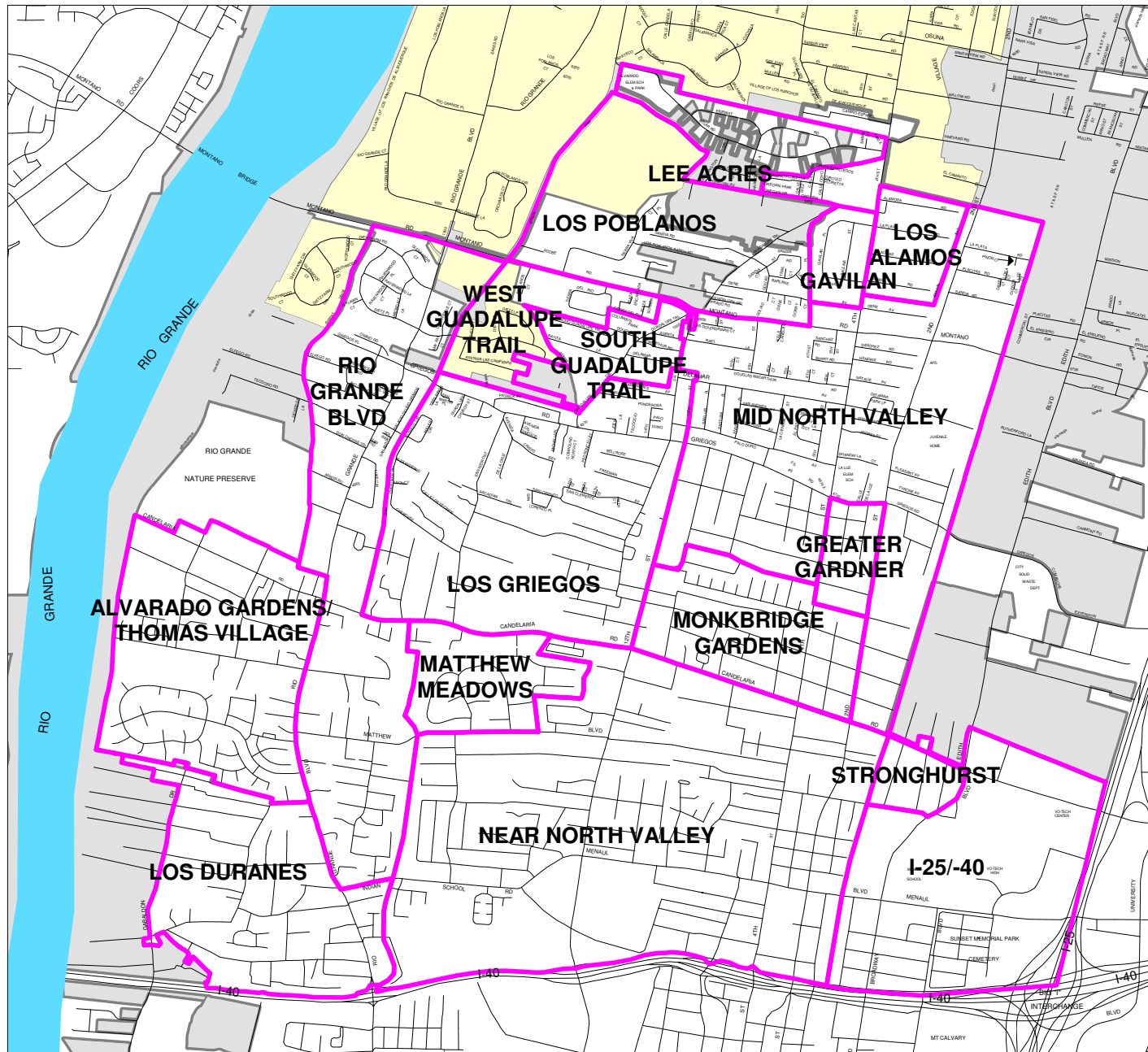
update. The current plan has no SU-2 zoning regulations, but provides goals for retaining agricultural “character and feeling” and low density character in rural area, with higher density single-family and townhouses located within designated rural centers.

- Los Griegos Neighborhood Development Plan, adopted in 1987 and amended in 1992, promotes redevelopment and created a design overlay zone for Griegos Boulevard. Wall heights, recesses, and setbacks are addressed in the design overlay zone for the area between Rio Grande Boulevard and Grande Drive.
- The Rio Grande Boulevard Corridor Plan, adopted in 1989, contains a design overlay zone district with standards for stepback of upper stories of houses, restrictions on unstuccoed concrete blocks and untreated metal walls, as well as requirements for windows, plazas and porches facing the street.
- The draft Near North Valley Sector Development Plan, currently on hold, gives policy support for restricting higher density residential to land within walking distance of major streets, preserving some vacant lands, preserving trails along waterways and not allowing additional walled and gated communities to turn their backs on the neighborhood. SU-2 zoning drafted would allow accessory units.

C. EXISTING CONDITIONS

The North Valley of Albuquerque contains approximately 4,800 acres (7.5 square miles). In 2000, the area had approximately 26,000 residents and 10,900 housing units. The following map shows neighborhood areas (note: the map does not show overlapping neighborhood association areas).

The area’s growth is influenced by its close proximity to downtown and the I-25 corridor employment centers, great accessibility, and its environmental features.



North Valley Neighborhood Areas

Legend

- Neighborhood Area
- Albuquerque City Limits
- Village of Los Ranchos
- Unincorporated Area

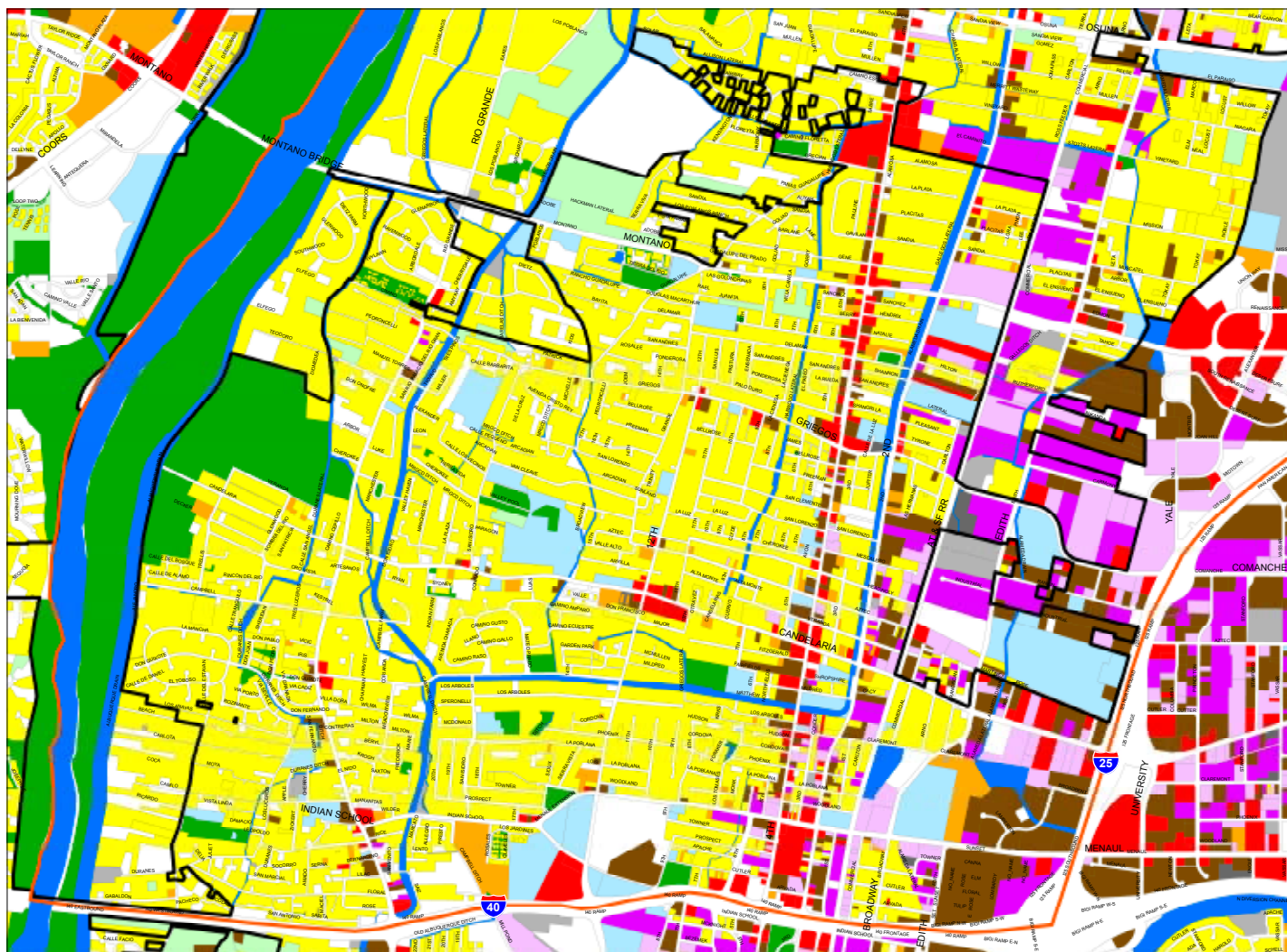
Map Source: AGIS
1 inch is approximately .45 miles
Architectural Research Consultants, Incorporated

Existing Land Use

The area to the west of the North Fourth Street Corridor is predominantly single family residential, with only a few scattered parcels remaining in agriculture, as shown on the map on the following page. There are several commercial land uses along Rio Grande Boulevard, Candelaria Road and Griegos Road. Schools, parks, and the Rio Grande Nature Center are large non-residential tracts within the area. Along the North Fourth Street Corridor and from North Second Street to the railroad tracks are predominantly commercial, warehousing and industrial uses. Residential neighborhoods are located between North Fourth Street and the Alameda Drain; and several residential neighborhoods are situated to the east of North Second Street.

Existing Zoning

The largest zone districts in the residential portion of the valley are RA-2 and RA-1, with some Special Use SU-1, R-2 and Planned Residential Development PRD zoning.



North Valley Existing Land Use

Legend

- North Valley Study Corridor
- Albuquerque City Limits

Land Use Categories

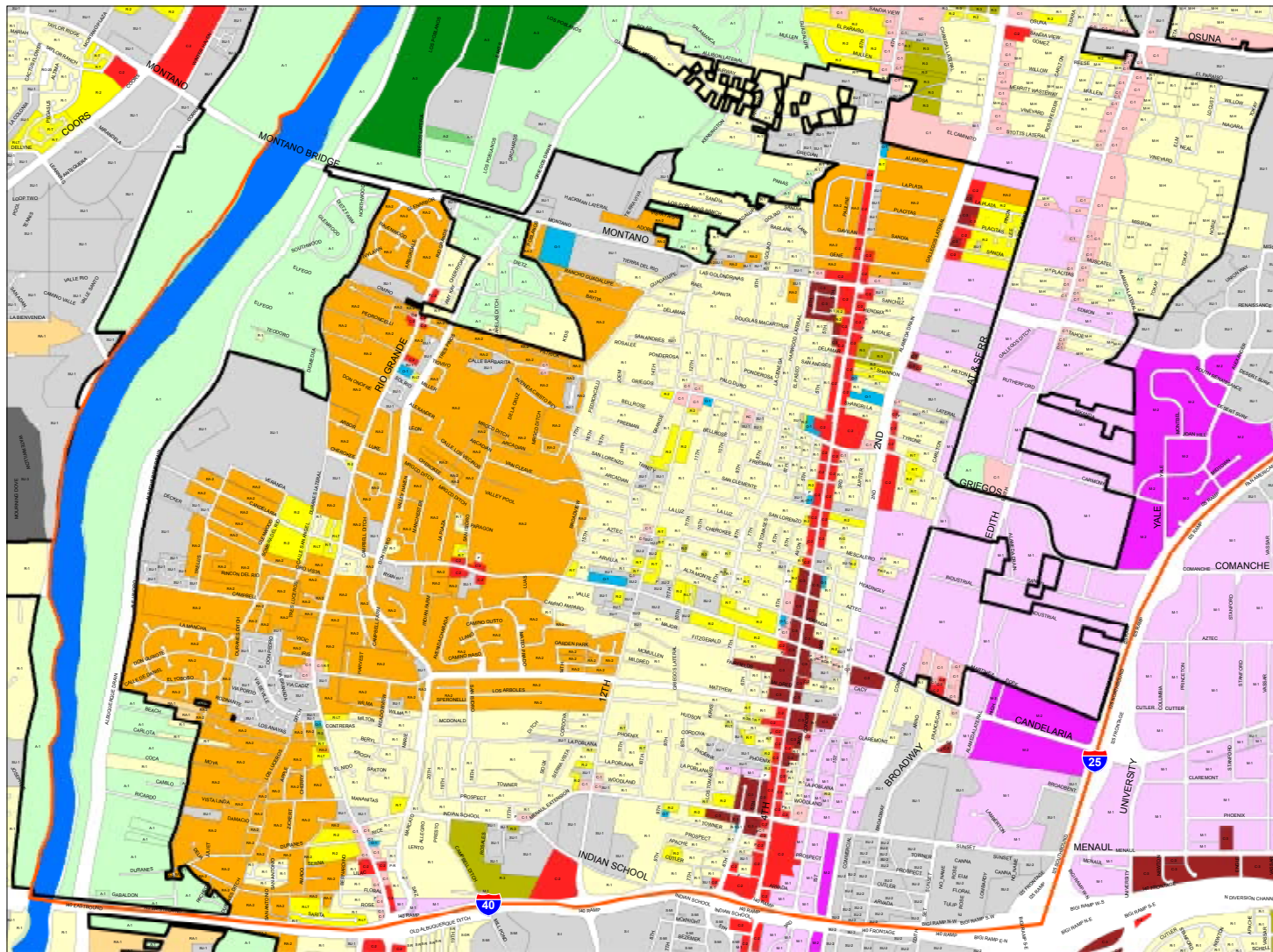
- Agriculture
- Commercial Retail
- Commercial Service
- Drainage & Flood Control
- Industrial & Manufacturing
- Multi-Family Residential
- Parking Lots & Structures
- Parks & Recreation
- Public & Institutional
- Single Family Residential
- Transportation & Utilities
- Vacant/Other
- Wholesale & Warehousing



1 inch equals 800 feet

Map Sources:
Land Use: AGIS, 7/23/2007
Streets: AGIS, 7/23/2007
Jurisdiction: AGIS, 7/23/2007





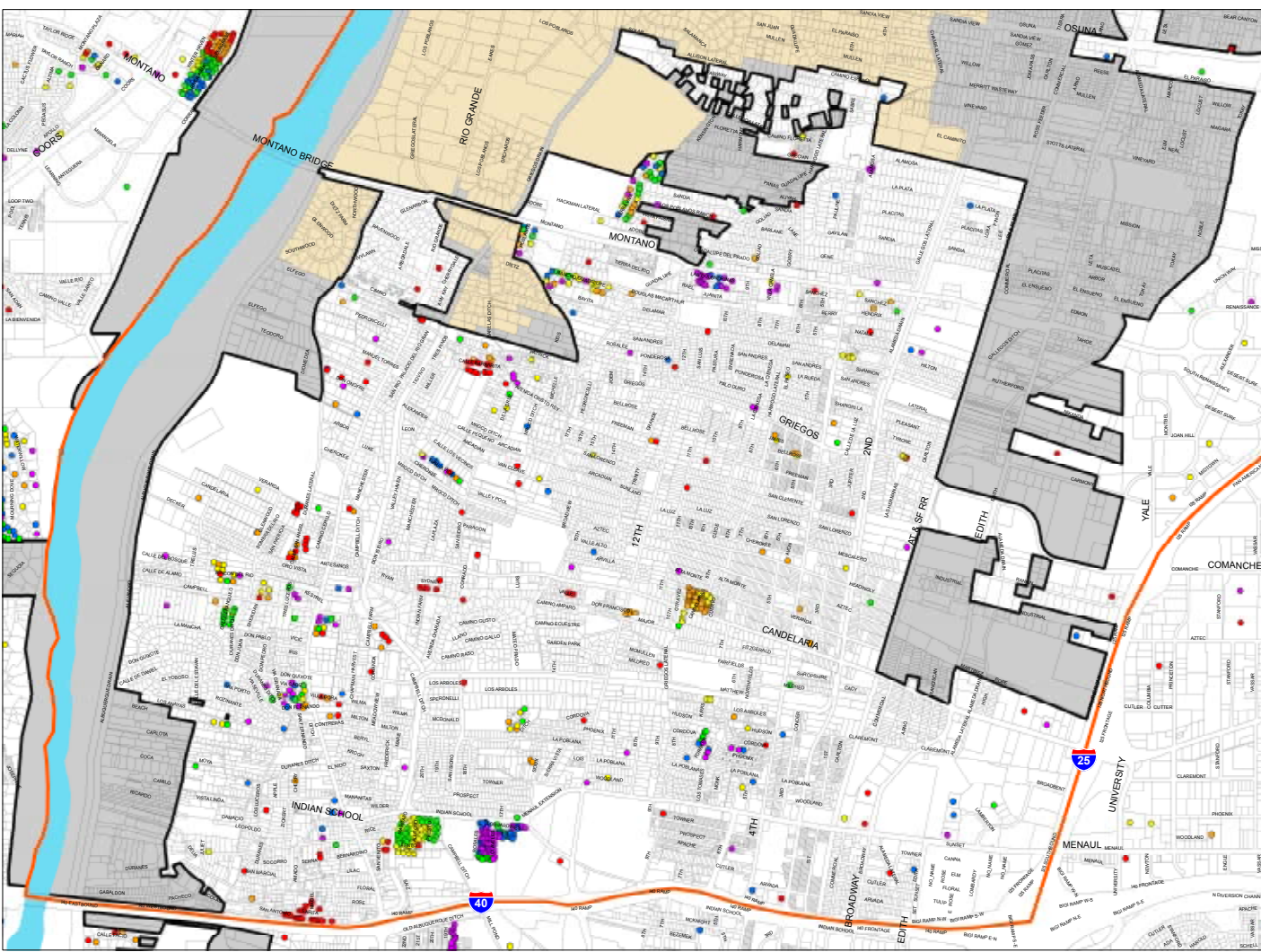
From 2000 to 2007, 805 building permits were issued for new housing units in the North Valley of Albuquerque, representing an average annual growth rate of 1%. Areas that grew the most were Alvarado Gardens/Thomas Village, Near North Valley, Los Duranes, and West Guadalupe Trail. Most of the development occurred in small and medium-sized subdivisions, with fewer than 20 lots.

Building Permits for New Housing Units in North Valley Neighborhood Areas: 1990-2007

| Neighborhood Area | Total Acres | Permits Issued | | |
|---------------------------------|--------------|----------------|------------|--------------|
| | | 1990-1999 | 2000-2007 | Total |
| Alvarado Gardens/Thomas Village | 364 | 211 | 93 | 304 |
| Gavilan | 43 | 1 | 1 | 2 |
| Greater Gardner | 46 | 3 | 36 | 39 |
| I-25/I-40 | 391 | 13 | 13 | 26 |
| Lee Acres | 109 | 1 | 0 | 1 |
| Los Alamos | 66 | 6 | 3 | 9 |
| Los Duranes | 299 | 79 | 103 | 182 |
| Los Greigos | 525 | 99 | 73 | 172 |
| Los Poblanos | 318 | 10 | 46 | 56 |
| Mathew Meadows Area | 116 | 5 | 13 | 18 |
| Mid North Valley | 687 | 77 | 67 | 144 |
| Monkbridge Gardens | 190 | 22 | 41 | 63 |
| Near North Valley | 964 | 188 | 219 | 407 |
| Rio Grande Boulevard | 491 | 95 | 62 | 157 |
| South Guadalupe Trail | 84 | 6 | 26 | 32 |
| Stronghurst | 38 | 4 | 0 | 4 |
| West Gaudalupe Trail | 105 | 69 | 9 | 78 |
| Totals | 4,834 | 889 | 805 | 1,694 |

Sources: Albuquerque GIS for new construction mainly residential, ARC geocoding by areas.

Note: Areas are somewhat different from Neighborhood Associations boundaries due to overlaps and holes.



North Valley Building Permits

- Legend**
- North Valley Study Corridor
 - Albuquerque City Limits
 - Village of Los Ranchos
 - Unincorporated Areas
 - Rio Grande
 - Parcels
- Building Permits (by year)**
- 2000
 - 2001
 - 2002
 - 2003
 - 2004
 - 2005



1 inch equals 800 feet

Map Sources:
 Parcels: AGIS, 7/23/2007
 Streets: AGIS, 7/23/2007
 Jurisdiction: AGIS, 7/23/2007
 Rio Grande: AGIS, 7/23/2007
 Building Permits: AGIS, 1/24/2006



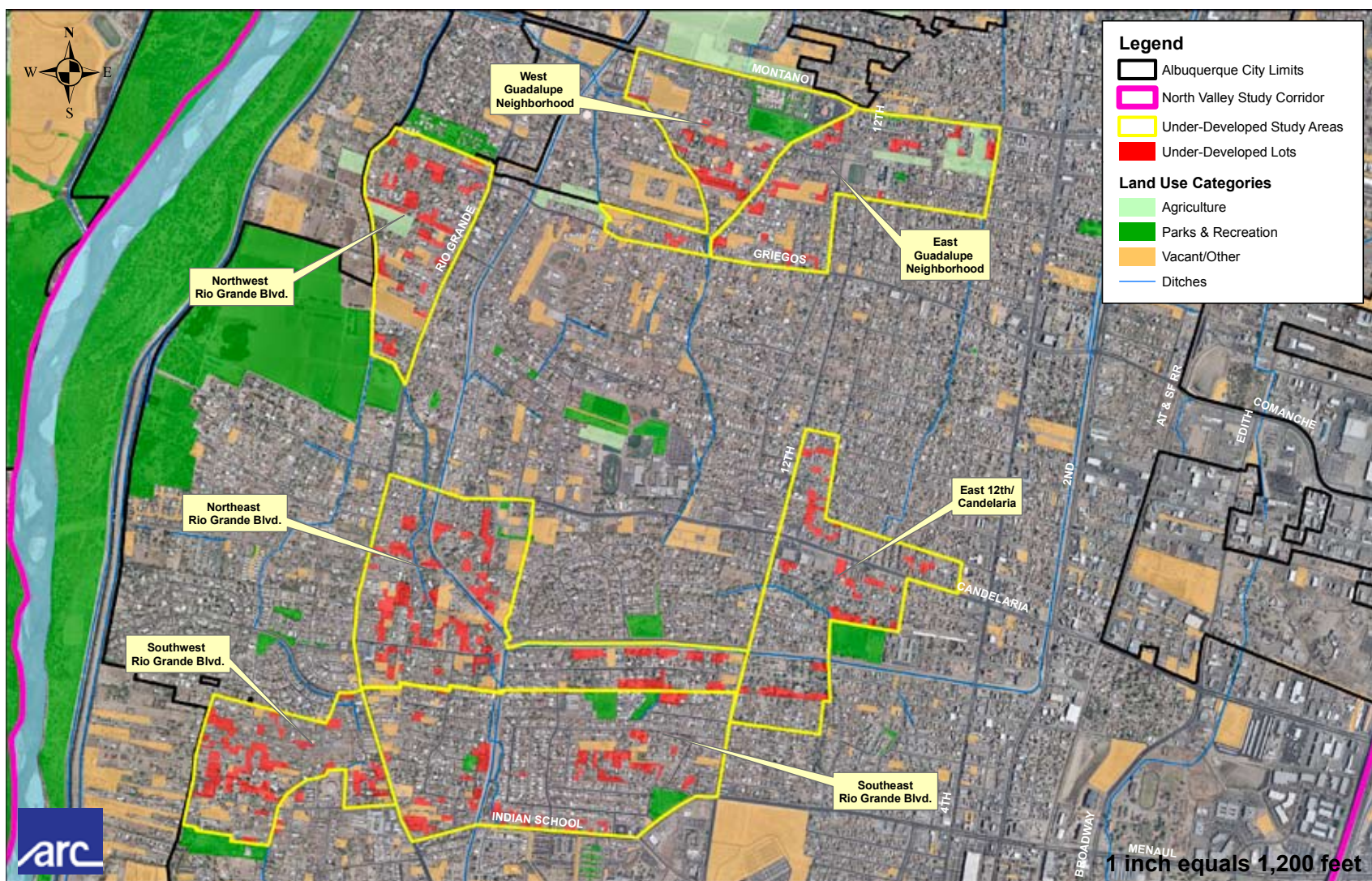
Much of the remaining development potential in the North Valley of Albuquerque is on the back portions of parcels with a house on the front. There are few totally undeveloped parcels or large acreages of agricultural land that can be converted to urban uses.

Seven study areas were analyzed to identify undeveloped areas and development potential. Seventeen percent of the land area within the study areas was either vacant or undeveloped in parcels with existing houses, which represents an opportunity for further subdivision and development.

Remaining Undeveloped Lands in Selected Areas of the North Valley: Vacant Lands and Sizeable Portions of Undeveloped Land In Parcels With Houses

| Study Areas | Acres | | | Portion of Area Vacant or Undeveloped | Predominant Zone District | Number of Parcels | | Estimated Number of Lots that could be created | |
|----------------|---------------|-------------|------------------------------------|---------------------------------------|---------------------------|-------------------|------------------------------------|--|------------------------------------|
| | Total in Area | Vacant | Undeveloped in Parcels With Houses | | | Vacant | Undeveloped in Parcels With Houses | Vacant | Undeveloped in Parcels With Houses |
| East Guadalupe | 122.4 | 6.6 | 8.7 | 13% | R-1 | 5 | 15 | 48 | 63 |
| West Guadalupe | 103.5 | 10.4 | 7.2 | 17% | RA-2 | 13 | 11 | 42 | 29 |
| NW Rio Grande | 90.2 | 8.4 | 12.6 | 23% | RA-2 | 6 | 18 | 34 | 50 |
| SW Rio Grande | 94.5 | 4.6 | 18 | 24% | RA-2 | 11 | 26 | 18 | 72 |
| NE Rio Grande | 196.9 | 15.6 | 30.3 | 23% | RA-2 | 21 | 36 | 62 | 121 |
| SE Rio Grande | 225.4 | 10.5 | 16.9 | 12% | R-1 | 17 | 30 | 76 | 123 |
| East 12th | 132.3 | 0 | 13.6 | 10% | R-1 | 0 | 21 | 0 | 99 |
| Totals | 965.2 | 56.1 | 107.3 | 17% | | 73 | 157 | 280 | 557 |

Sources: AGIS existing land use for vacant lands, aerial photography, and zoning. ARC identification of undeveloped lands in parcels with home and GIS tabulations.



Recent Development Characteristics

The following photographs show a sample of design characteristics of recent developments. Key features include:

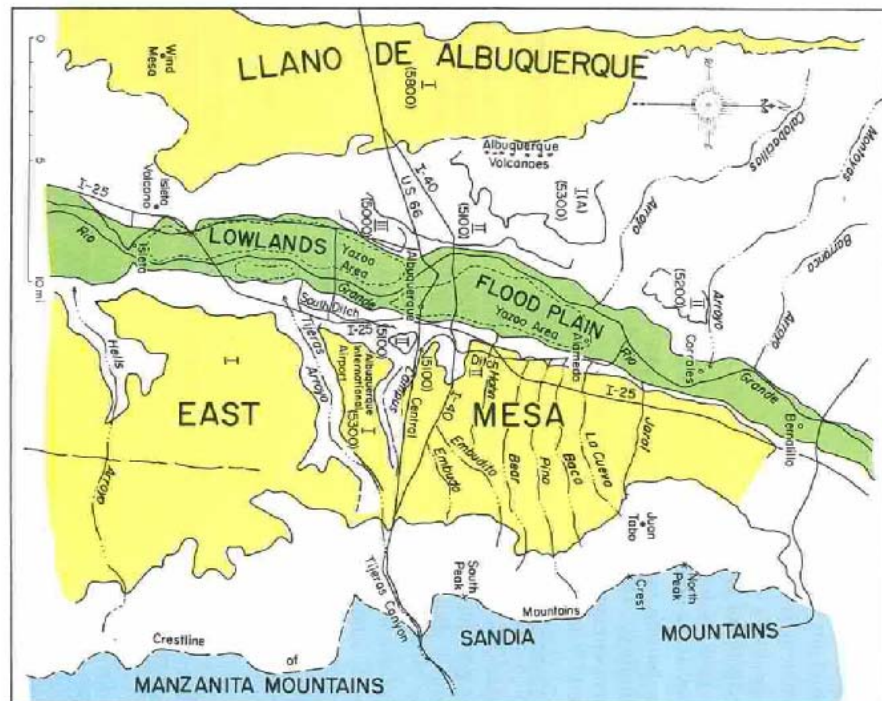
- little variation in setbacks
- lack of variety in architectural styles
- majority of lot area hard-surfaced, with little opportunity for rainwater infiltration
- houses with high ratios of floor area-to-lot size
- gated subdivisions



Storm Drainage in the North Valley

The North Valley is a part of the inner valley of the Rio Grande Trough. Geologically, the area is a floodplain confined by bluffs to the east, while various flood controls have been created to reduce hazards of large-scale flooding in the North Valley. Much of the North Valley is a “yazoo”, a low plain where the level of the adjacent river bottom is at or above the elevation of the plain. North and South Diversion Channels, built by the Corp of Engineers (completed in 1963) and maintained by AMAFCA, divert storm water run-off from the East Mesa that otherwise would enter the valley at numerous points.

Physiographic map of Albuquerque from “Albuquerque: Its Mountains, Valley, Water, and Volcanoes,” Vincent C. Kelley, published by NM Bureau of Mines & Mineral Resources, 1982.



A complex system of pumping stations, some below-ground storm drains, surface drains and irrigation ditches regulate the surface hydrology of the valley. Five of the city's 15 storm drainage pumping stations are located in the North Valley north of I-25. The loss of permeable surface and compaction of soils resulting from development leads to an increase in run-off in the valley. Due to the flood-prone nature of the flat valley floor, there are few places for water to go harmlessly due to the increased development in the area.

*Storm drainage
management
features in the North
Valley*



Ponding and the on-site approach of “flat drainage schemes” combined with reducing the loss of permeable surface are considered by city storm drainage design engineers as an appropriate strategy for managing storm drainage in the North Valley.

Conditions were evaluated in the following subject areas as part of the process of developing the North Valley Overlay Zone:

- values and health of trees in the valley
- Middle Rio Grande Conservancy ditches and drains
- ratios of permeable surface to lot size in various developments in the valley
- ratios of floor area to lot size in various developments in the valley
- street setbacks and frontage variations in the valley
- existing zoning techniques in the city and national best practices

Additional information is available through the City of Albuquerque Council Services and an appendix to this document.

D. PLANNING PROCESS

In summer of 2007, Councilor O'Malley and City Council Services initiated a study of the impacts of continued residential development on the unique character of the North Valley.

The Councilor, Council Services staff, Architectural Research Consultants, and members of a volunteer steering committee of North Valley residents have been working to address methods to retain what remains of North Valley character in light of the goals stated in the North Valley Area Plan and sector plans for subareas of the North Valley.

The steering committee members are: David Day, Mark Feldman, Steve Hale, Bob Johns, Richard Meadows, Chris Sandoval, and Carolyn Siegel. Steering committee members worked together during thirteen meetings from October, 2007 to May, 2008 to craft the ordinance. A public meeting/open house will be conducted on July 24, 2008.

The following topics are covered in the regulations:

SUMMARY OF COMPONENTS IN NORTH VALLEY CODE AMENDMENTS

1.

North Valley Design Overlay Zone

Applies to RA-2 and R-1 zone districts, and
SU and PRD zones for RA-2 and R-1

Minimum Permeable
Surface

Tree Protection

Secondary Dwelling
Units

Maximum Floor Area

Super-setbacks from
waterways

Variable Street
Frontages and
Setbacks

Minimum
Landscaping,
Driveways, and Paths

Limitation on Gated
Communities

Mandatory Private
Commons
Development for
Parcels 4 acres and
larger

Agricultural
cultivation allowed in
R-1

2.

Private Commons Development (Sec. 14-16-3-16)

Require PCD on RA-2 and R-1 parcels
4 acres and larger in North Valley
Overlay Zone

Permit PCD on tracts
1 acre and larger

Permit PCD in R-1 in addition to RA-1,
RA-2, and RO-1

Add Design Criteria for Private
Commons Area (PCA):

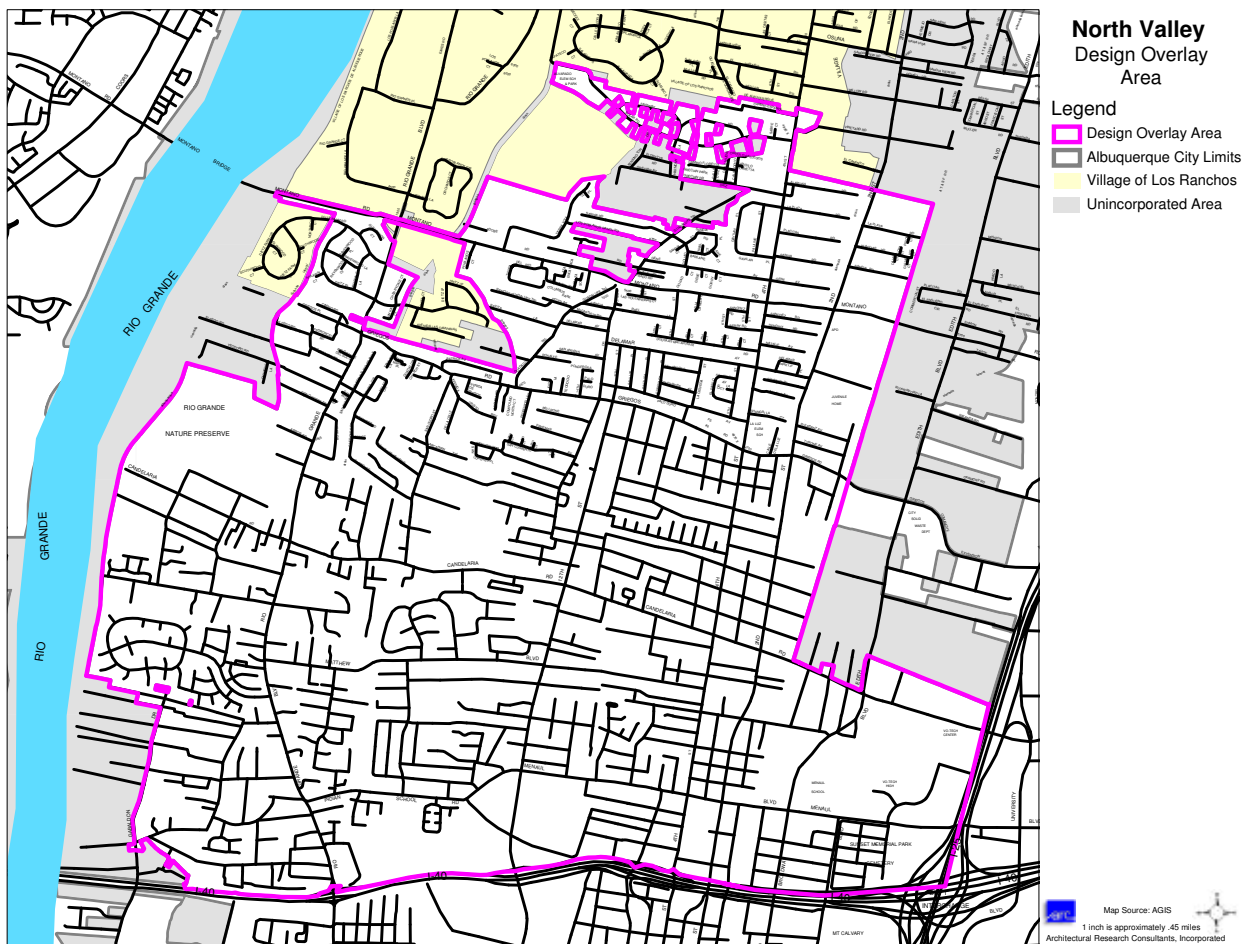
- Uses
- Location on property
- Number of sub-PCA's
- Reduce minimum 30% of parcel to
15% of parcel in R-1
- Change minimum setbacks in R-1

CHAPTER 2: NORTH VALLEY OVERLAY ZONE REGULATIONS

NORTH VALLEY DESIGN OVERLAY ZONE

(1) Intent. This design overlay zone is required for residential development within the boundaries of the North Valley Area Plan within the City of Albuquerque (See Exhibit 1) to allow for storm drainage to be effectively managed on-site, to provide visually attractive areas and open vistas along major roads and along waterways, to sustain a landscape in context with the historic rural character of the lands within the boundaries of the North Valley Area Plan, to enable cluster and compound developments which have historic precedent in the North Valley, to promote a variety of housing types to meet all socioeconomic levels and to promote housing development that does not exceed the dominant historic scale of residential development in the North Valley.

*North Valley Design
Overlay Zone District
- official zoning map*



(2) Findings.

(a) Consistent with Section 14-16-2-28(F)(4), criteria for the designation of design overlay zones, the following conditions exist in the North Valley:

- (1) The North Valley possesses highly scenic natural features, including the Rio Grande and the adjacent bosque and riparian environment, native and exotic trees able to grow large due to the high water table, waterways, and agricultural activities.
- (2) The North Valley has experienced significant growth and has continuing development potential through the subdividing of farms and undeveloped parcels, redevelopment of some older areas, and in-fill development. New residential development needs to be designed to not overburden the storm drainage system nor lead to flooding during storm activities, to honor the existing scale of residential architecture that has contributed to the unique built environment of the area, and preserve major existing trees.
- (3) Secondary dwelling units on a single family lot are needed in the North Valley to help meet the needs for affordable and convenient housing for seniors in close proximity to their children and grandchildren, adult children and other relatives, on-premise caregivers, and non-family members in need of affordable housing. Secondary dwelling units will help retain the socioeconomically diverse character of the North Valley through providing small housing units as well as increase energy efficiency and lower energy costs per resident.
- (4) Protection of special characteristics of the North Valley, as promoted in the North Valley Area Plan, is important to the overall urban form of the metropolitan area because of the area's unique natural beauty, wildlife, and vistas, and the area's support of desirable, traditional, quasi-rural lifestyles that are socioeconomically diverse and

retain agricultural-based activities.

- a. Street frontage and structure setback standards and options will promote variable setbacks and massing of houses along streets achieving visual diversity and more flexible site utilization, consistent with the character of many older residential areas in the North Valley.
- b. Discouragement of new gated communities will promote street connectivity and street network access, improve public safety, accessibility to residential neighborhoods, and continue the time-honored socioeconomic diversity of the North Valley.

(b) As required by City Council Resolution R-270-1980, policies for zone map change applications, the existing zoning is in appropriate because of the following reasons:

- (1) The residential community character is threatened through development activities that provide little or no open lands, or that result in houses tht are excessively massive in relation to the lot area.
- (2) The design overlay zone district is more advantageous to guide future development by addressing minimum permeable surface, maximum floor area, additional setbacks from waterways, tree protection, mandatory use of private commons development (PCD) on larger tracts of land, and refinements to the application of PCD and PCD design criteria.

Definitions

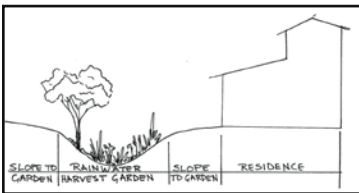
ALL-WEATHER SURFACE. A durable load-bearing surface built to standards specified by the Department of Municipal Development for driveways and sidewalks, including, but not limited to: concrete, asphalt, porous pavement, pavers, crusher fines, or gravel.

GATED COMMUNITIES. A gated community is a residential neighborhood containing four or more residences where accessibility is controlled by means of a gate, barrier or other similar improvement within or across a privately maintained street.

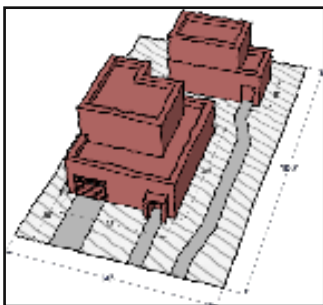
PERMEABLE SURFACE. Any surface which allows the absorption of water into the ground including but not limited to: open area of soil, landscaped areas, agriculture, grass, a surface covered by crusher fines up to 20% of the permeable surface area, brick or pavers without continuous mortar joints up to 20% of the permeable surface area, or similar materials which allow water to be absorbed into the ground through its surface.



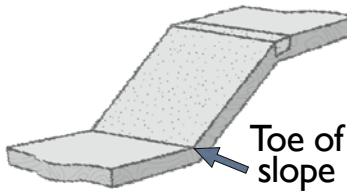
PLAZUELA COMPOUND. A development designed within a private commons development characterized by a private common area bound by attached or detached buildings on at least three sides.



RAINWATER HARVEST GARDEN. A swale or a shallow sunken garden area graded to hold rainwater designed to infiltrate water within 24 hours and containing mulch and plants tolerant to dry conditions and occasional flooding.



SECONDARY DWELLING UNIT. A subordinate dwelling unit containing its own kitchen created within, added to, or detached from a single family dwelling. Secondary dwelling units may not be subdivided from or otherwise segregated in ownership from the primary residence structure.

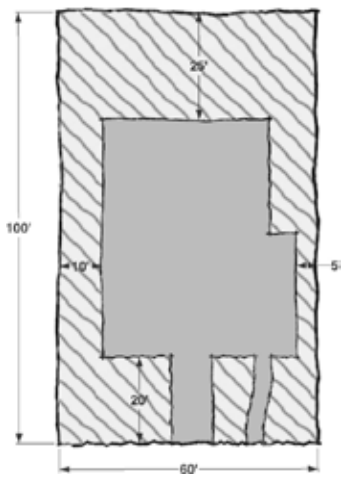


TOE OF SLOPE. The base of a waterway bank where the bank meets the groundlevel.

WATERWAY. A river, arroyo, ditch, lateral, or drain designated on the Waterways of the North Valley Area Map within the official zoning map.

Minimum permeable surface area calculation

- ✓ Permeable Surface does not count:
- House footprint
 - Accessory bldg. footprint
 - Paved driveway
 - Paved patio
 - Paved internal sidewalk

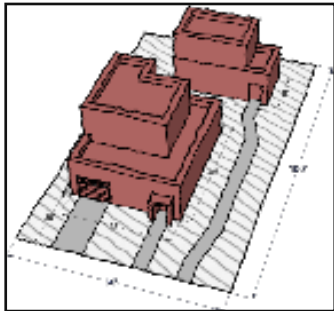
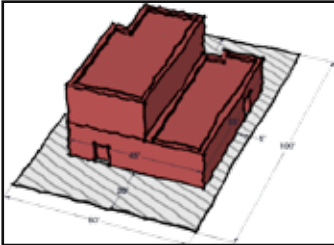


(3) Controls and procedures shall be as prescribed as follows for properties in R-1, RA-2, SU-1 for R-1 or for RA-2, and PRD for R-1 or RA-2 zones within the North Valley Design Overlay Zone:

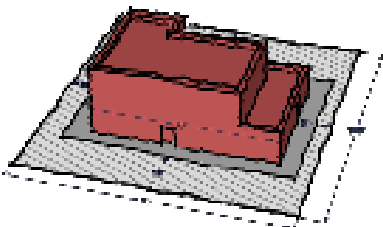
(a) Minimum permeable surface area. The total permeable area shall not be less than the percentage of the lot area as calculated as follows:

- (1) For lots smaller than 9,000 square feet in area, the minimum permeable surface area shall not be less than 50% of the lot area.
- (2) For lots sized in the range of 9,000 to 12,000 square feet, the minimum permeable surface area shall not be less than 50% for the first 9,000 square feet of lot area, plus 1% for each additional 300 square feet of additional lot area up to the next 3,000 square feet.
- (3) For lots sized in the range of 12,000 square feet and larger, the minimum permeable surface area shall not be less than 60%.

- ✓ Maximum floor area allowed on a 6,000 s.f. lot is 3,300 s.f.
- The lot can accommodate one house with 3,300 s.f. (Exhibit 4)
 - If a secondary dwelling unit were built, then the lot could accommodate (Exhibit 5):
 - ▶ 2,200 s.f. Principal Dwelling Unit
 - ▶ 1,100 s.f. Secondary Dwelling Unit



- ✓ Maximum floor area allowed on a 18,900 s.f. lot is 5,386 s.f.
- 2-story house may have 3,000 s.f. on the first floor and 2,386 s.f. on the second floor (Exhibit 6)



(b) Maximum floor area for single family detached development. In addition to the minimum permeable area requirement, there is also a maximum allowable floor area. The allowable floor area for all structures on a lot shall be calculated as follows.

- (1) For lots sized under 3,000 square feet, the maximum floor area shall not exceed 80 square feet for each 100 square feet of lot area, up to a maximum of 2,400 square feet.
- (2) For lots sized in the range of 3,000 to 6,000 square feet, the maximum floor area shall not exceed 2,400 square feet for the first 3,000 square feet of lot area plus 30 square feet of floor area for each additional 100 square feet in lot area up to the next 3,000 square feet of lot area, up to a maximum of 3,300 square feet.
- (3) For lots sized in the range of 6,000 to 9,000 square feet, the maximum floor area shall not exceed 3,330 square feet for the first 6,000 square feet of lot area, plus 20 square feet of floor area for each additional 100 square feet in lot area up to the next 3,000 square feet of lot area, up to a maximum of 3,900 square feet.
- (4) For lots sized larger than 9,000 the maximum floor area shall not exceed 3,900 square feet for the first 9,000 square feet of lot area, plus 15 square feet of floor area for each additional 100 square feet in lot area.
- (5) For attached housing in a Private Commons Development (PCD), the maximum floor area shall be calculated based on the maximum floor area allowed if the property were developed for detached single family houses on individual lots in subsection (b) above.

*Examples of
Maximum Floor Area
Calculations*

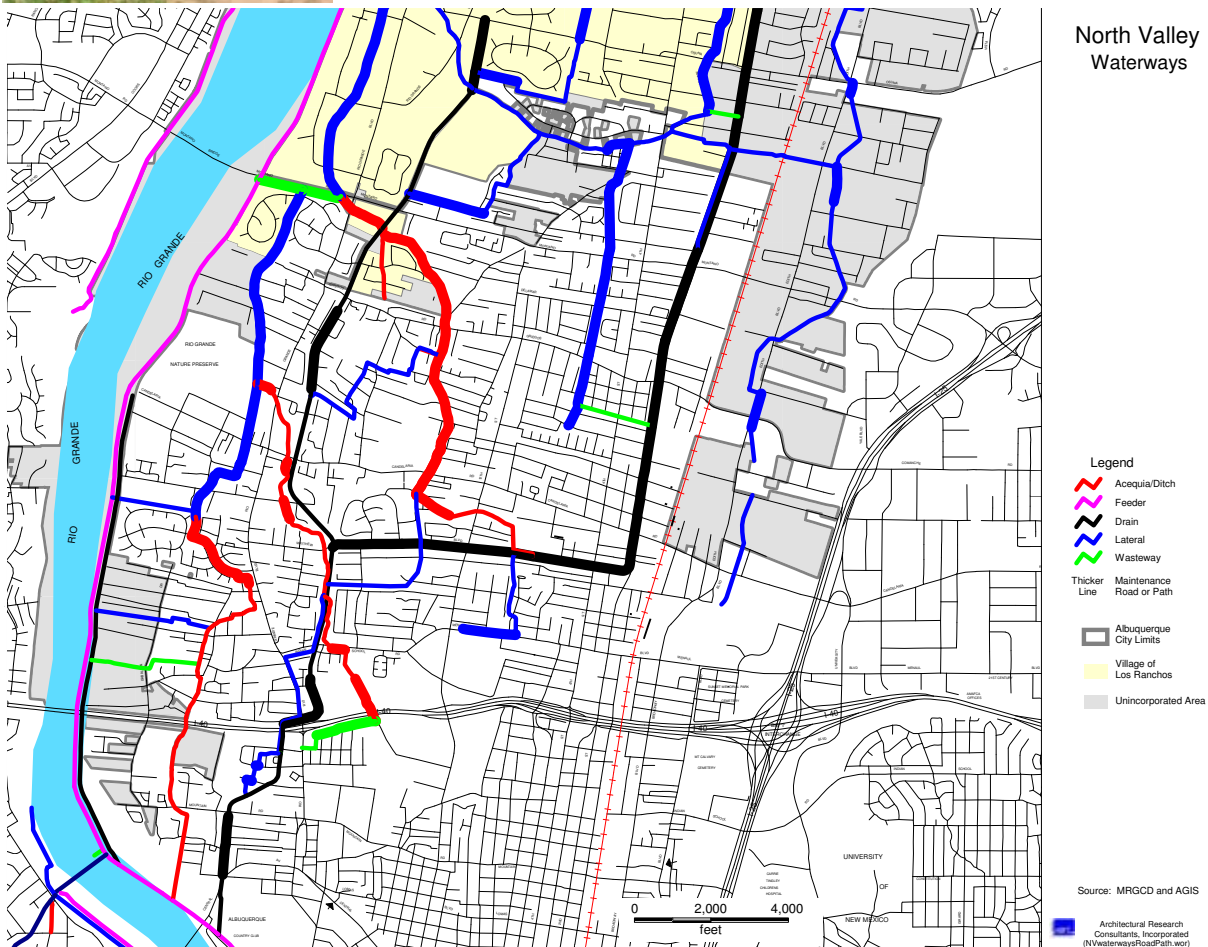
| Selected Floor Area Calculations | | | | | | | |
|----------------------------------|--------------------------|---|--------------------------|--|---|---------------|-------------------|
| Lot Size (s.f.) | Lot Area Category (s.f.) | Lot Area in Excess of Minimum Category (s.f.) | Floor Area | | | | Floor Area Ratios |
| | | | Base for Category (s.f.) | Added Floor Area per 1,000 s.f. of Lot Area in Excess of Minimum | Added Floor Area for Lot Area in Excess of Minimum (s.f.) | Total (s.f.) | |
| 5,000 | 3,000 | 2,000 | 2,400 | 80 | 600 | 3,000 | 0.60 |
| 6,000 | 6,000 | 0 | 3,300 | 30 | 0 | 3,300 | 0.55 |
| 7,000 | 6,000 | 1,000 | 3,300 | 20 | 200 | 3,500 | 0.50 |
| 8,000 | 6,000 | 2,000 | 3,300 | 20 | 400 | 3,700 | 0.46 |
| 9,000 | 6,000 | 3,000 | 3,300 | 20 | 600 | 3,900 | 0.43 |
| 10,000 | 9,000 | 1,000 | 3,900 | 15 | 150 | 4,050 | 0.41 |
| 11,000 | 9,000 | 2,000 | 3,900 | 15 | 300 | 4,200 | 0.38 |
| 12,000 | 9,000 | 3,000 | 3,900 | 15 | 450 | 4,350 | 0.36 |
| 13,000 | 9,000 | 4,000 | 3,900 | 15 | 600 | 4,500 | 0.35 |
| 15,000 | 9,000 | 6,000 | 3,900 | 15 | 900 | 4,800 | 0.32 |
| 16,000 | 9,000 | 7,000 | 3,900 | 15 | 1,050 | 4,950 | 0.31 |
| 18,900 | 9,000 | 9,900 | 3,900 | 15 | 1,485 | 5,385 | 0.28 |
| 23,000 | 15,000 | 8,000 | 3,900 | 15 | 1,200 | 5,100 | 0.22 |
| 25,000 | 15,000 | 10,000 | 3,900 | 15 | 1,500 | 5,400 | 0.22 |
| 29,000 | 15,000 | 14,000 | 3,900 | 15 | 2,100 | 6,000 | 0.21 |
| 30,000 | 15,000 | 15,000 | 3,900 | 15 | 2,250 | 6,150 | 0.21 |
| 32,000 | 15,000 | 17,000 | 3,900 | 15 | 2,550 | 6,450 | 0.20 |
| 34,000 | 15,000 | 19,000 | 3,900 | 15 | 2,850 | 6,750 | 0.20 |
| 37,000 | 15,000 | 22,000 | 3,900 | 15 | 3,300 | 7,200 | 0.19 |
| 43,560 | 15,000 | 28,560 | 3,900 | 15 | 4,284 | 8,184 | 0.19 |
| 50,000 | 15,000 | 35,000 | 3,900 | 15 | 5,250 | 9,150 | 0.18 |
| 60,000 | 15,000 | 45,000 | 3,900 | 15 | 6,750 | 10,650 | 0.18 |
| 62,000 | 15,000 | 47,000 | 3,900 | 15 | 7,050 | 10,950 | 0.18 |
| 65,000 | 15,000 | 50,000 | 3,900 | 15 | 7,500 | 11,400 | 0.18 |



c) Waterway minimum setbacks. Residential and accessory buildings in the R-1 and RA-2 zone districts in the North Valley Design Overlay Area shall be set back from an abutting designated waterway as follows:

- (1) For waterways with a maintenance road or trail along one or both banks of the North Valley area, buildings shall be set back not less than 20 feet from the outer edge of the MRGCD's right-of-way, or, where no legal right-of-way exists, 20 feet from the toe of the slope of the outer edge of the waterway facility.
- (2) For waterways with no maintenance road or trail along the banks, buildings shall be set back not less than 15 feet from the outer edge of the MRGCD's right-of-way, or where no legal right-of-way exists, 15 feet from the toe of the slope of the outer edge of the waterway facility.

Waterways of the North Valley-official zone map



Example of mature tree in North Valley



(d) Tree requirements. Not less than two trees per dwelling unit shall be planted in the front yard of lots.

(e) Tree Protection. On lands to be subdivided, re-subdivided, redeveloped through replacement of existing housing, or further developed through building an addition to an existing house, the location and type of existing trees over 8 inches in caliper, as measured three feet above the ground, shall be identified on a site development plan submitted by the property owner. The City Forester shall establish a list of species for protection in the North Valley and shall determine whether listed trees on a development site possess an adequate level of health. Protective measures shall be incorporated into the site development plan to include, but not be limited to: design and location of lots, buildings, roads, and open space, fences, trunk and canopy protection, and identifying areas where soil compaction shall be restricted.

(1) Where protection of an existing qualified tree is determined by a property owner to be not feasible, at least two qualified trees, each over 3 inches in caliper as measured three feet above the ground, shall be planted on-site for each tree removed.

(f) Driveways and sidewalks to entries. Off-street parking required through Section 14-16-3-1 shall be accommodated by, at a minimum, a curb cut for ingress and egress and an all-weather driveway. An all-weather path or sidewalk shall be established from the parking spaces to the front door(s) of the residence(s).

(g) Secondary dwelling units. Secondary dwelling units constructed after the date of adoption of this ordinance shall be allowed and regulated as a conditional use, subject to the following conditions:
(1) The lot containing the primary and secondary

*Examples of
secondary dwelling
units in North Valley*



dwelling unit must meet all applicable dimensional requirements set forth in the zoning code and specified in the North Valley Design Overlay Zone, including but not limited to: minimum lot size requirement, maximum floor area requirement, and minimum permeable surface requirements, and tree protection requirements.

(2) Only one secondary unit is allowed per lot.

(3) Mobile homes and recreational vehicles are not allowed as secondary dwelling units.

(4) One on-site parking space is required for the secondary dwelling unit.

(5) The secondary dwelling unit may be rented to not more than two persons per bedroom for long-term living purposes.

(6) The maximum floor area of the secondary dwelling unit shall not exceed 1,000 square feet, or 60% of the primary dwelling unit's floor area, whichever is less.

(h) Gated Communities. Gated communities are prohibited except where the DRB waives the requirement due to the development being located where connectivity to public streets cannot be achieved due to extreme topography.

(i) Agricultural Activity in the R-1 Residential Zone District. Agricultural cultivation of crops and incidental structures and vehicles for cultivation of crops shall be allowed as a permissive use in the R-1 zone district within the North Valley Design Overlay Zone District.

*Example of
a residential
compound that
could be clustered
housing in a
private commons
development*



(j) Mandatory Private Commons Development in the North Valley Design Overlay Zone. A Private Commons Development (PCD) shall be required in accordance with the provisions in Section 14-16-3-16 on any tract of land or the aggregate of lots within a single development containing four (4) or more acres, except for subdivisions approved as a conditional use in subsection (1) below.

(1) Alternately, a conditional use permit may be granted for a single development containing four (4) or more acres not meeting the Private Commons Development regulations, provided that:

(a) The subdivision design meets the intent of this section,

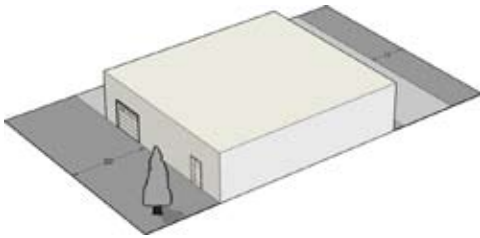
(b) Permeable surface areas shall be restricted by deed for each lot with at least 20% more than the required minimum in Section 3(a) of this ordinance,

(c) Floor area shall be restricted by deed for each lot with at least 20% less than the required maximum in Section 3(b) of this ordinance, and

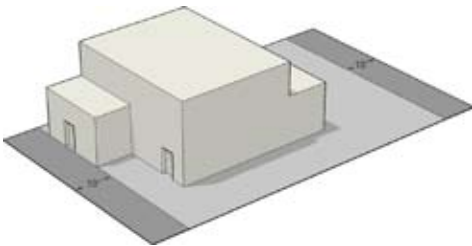
(d) All trees identified as a species for protection by the city forester through provisions in Section 3(e) of this ordinance, that are over 8 inches in caliper as measured three feet above the ground, and possess an adequate level of health as determined by the city forester shall be preserved and protected, as shown in a site plan signed off by the City Forester.

(k) Street Front and Setbacks. The following setbacks and architectural features shall be established for properties in the R-1, RA-2, SU-1 for R-1 or RA-2, and PRD in the North Valley Design Overlay Zone District as specified by street classification. Where other street classifications exist, the setbacks shall be as established in Section 14-16, SU-1 or 2 zone districts, or in Los Greigos and the Rio Grande design overlay zones, as applicable.

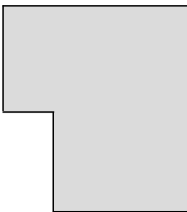
Option (1)(a): 20' front yard setback



Option (1)(b): 10' front yard setback



Option (1)(b): 10' front yard setback & garage setback



(1) Front yard setbacks and building frontage on local streets and private ways. Building placement and front design features shall consist of one of the following options:

(a) A front yard setback of not less than 20 feet. No additional front design features are required.

(b) A front yard setback of 10 feet for a portion of the house using the following design features:

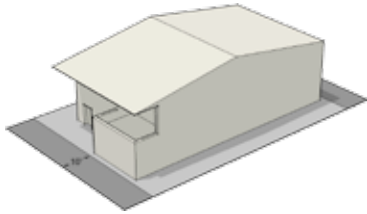
(1) The maximum front facade width of the portion of the house extending forward shall not exceed one half of the total house width.

(2) The forward portion of the house shall not exceed one story. The back portion of the house may be two stories, stepped back a minimum of ten feet from the front facade.

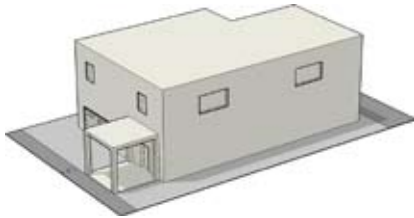
(3) The roof line of the forward portion shall not be higher than one-half of the height of the back two-story portion of the structure if using a flat roof design, or two-thirds of the height of the back two-story portion of the structure if using a pitched roof design.

(4) Any garage accessed by a driveway in the front yard shall be set back no less than 25 feet.

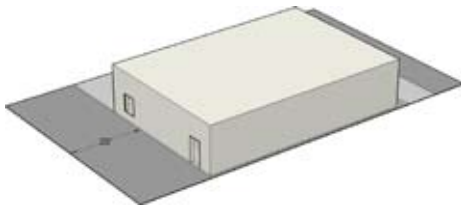
Option (1)(c): 10' front yard setback & 2nd floor balcony



Option (1)(d): 5' front yard setback with porch



Option (2)(a): 20' side yard setback



(c) A front setback of 10' for a portion of a house and a second floor balcony using the following design features:

(1) The maximum front facade width of the portion of the house with balcony extending forward shall not exceed one half of the total house width.

(2) The two-story portion of the house shall be twenty feet from the front property line.

(3) The second floor open balcony may have a roof.

(4) Any garage accessed by a driveway in the front yard shall be setback no less than 25 feet.

(d) A front yard setback of 5' for a porch at least 5' deep, with the remainder to the house setback at least 10', using the following design features:

(1) The maximum front facade width of the porch extending forward shall not exceed one half of the total house width.

(2) The house may be two stories with the second story stepped back a minimum of twenty feet from the front property line.

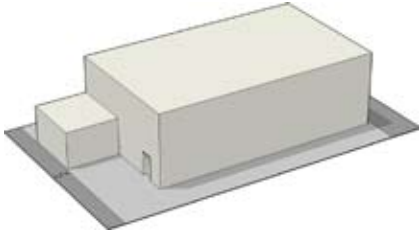
(3) The front porch may have a roof.

(4) Any garage accessed by a driveway in the front yard shall be set back no less than 25 feet.

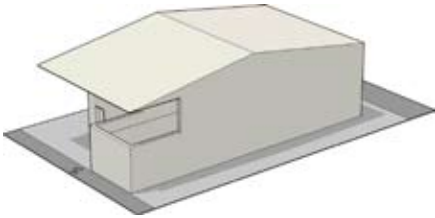
(2) Side yard setbacks and side building facade for corner lots and other lots with a side yard facing a street, applying to all street classifications. Building placement and side design features shall consist of one of the following options:

(a) A side yard setback of 20' with no additional side design features required.

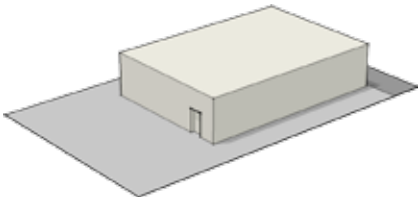
Option (2)(b): 5' side yard setback



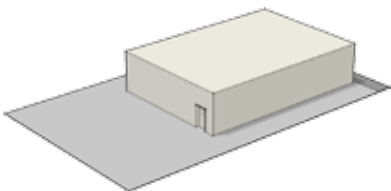
Option c: 5' side yard setback & 2nd floor balcony



Option (3)(a): 10' rear yard setback abutting another lot



Option (3)(b): 5' rear yard setback with alley



(b) A side yard setback of 5' provided that stories above the first story shall be stepped back a minimum of 15' from the first story. The roof line of the forward portion shall not be higher than one half of the height of the back two-story portion of the structure if using a flat roof design, or two-thirds of the height of the back two-story portion of the structure if using a pitched roof design.

(c) A side yard setback of 5' for a portion of a house and a second floor balcony using the following design features:

(1) The maximum width of the balcony extending forward shall not exceed one half of the side facade width.

(2) The two story portion of the house shall be set back twenty feet from the side property line.

(3) The second floor open balcony may have a roof.

(3) Rear yard setbacks with and without an alley

(a) A rear yard setback of 10' abutting another rear yard with no alley in the R-1 and 15' in the RA-2 except as provided in section (c) Waterway minimum setbacks.

(b) A rear yard setback of 5' with an alley.

Section 14-16-3-16 Private Commons Development

- (A) A Private Commons Development (PCD) may be established on a tract of land containing ~~two~~ one or more acres and zoned RA-1, RA-2, RO-1 or R-1 within the North Valley Design Overlay Zone. A PCD shall be established in the North Valley Design Overlay Zoning District where required in accordance with Section (3)(j) of the North Valley Design Overlay Zone.
- (B) The number of dwelling units permitted in a PCD is determined by dividing the site area by the minimum lot size permitted in the zone rounded to the nearest whole number. However, the number of dwellings in a PCD may not be more than 50. The minimum lot size to be used for determining the number of dwelling units in a PCD with RA-1 zoning shall be 21,780 square feet.
- ~~(C)~~ A PCD mandated in the North Valley Design Overlay Zone through Section (3)(j) of the North Valley Design Overlay Zone ordinance shall receive a 10% reduction in the permeable surface area per lot required through Section (3)(a) of North Valley Design Overlay Zone ordinance and receive a 10% increase in the maximum floor area per lot required through Section (3)(b) of North Valley Design Overlay Zone ordinance.
- ~~(D)~~ The dwelling units may be houses or townhouses or any combination thereof on any size lots.
- ~~(E)~~ The minimum setbacks in the RA-1, RA-2, and RO-1 zone districts are as follows:
- (1) Front – 15 feet except driveways shall not be less than 20 feet long.
 - (2) Rear – 15 feet for houses and townhouses unless adjoining R-1, RA-1, RA-2, or RO-1 zoned land, in which case the setback for townhouses shall be 25 feet.
 - (3) Side – there shall be no required side yard setback except that there shall be a minimum setback of five feet for all side yards contiguous with the PCD boundary.
- (F) The minimum setbacks in the R-1 zone districts in the North Valley Design Overlay Zone are as follows:

- (1) Front – 10 feet except driveways shall not be less than ~~20~~ 25 feet long.
- (2) Rear – 5 feet for houses and townhouses
- (3) Side – there shall be no required side yard setback except that there shall be a minimum setback of five feet for all side yards contiguous with the PCD boundary.

Concept for a development with 30% of the area in the Planned Common Area (PCA).



Example of a rainwater harvest garden and active shared space in a PCA.



(E ~~G~~) PCA Set Aside Area.

- (1) A minimum of 30% of the gross area in the RA-1, RA-2, and RO-1 zone districts and 15% of the gross area in the R-1 zone district of a PCD or 100% of the area gained through lot size reductions, whichever is greater, shall be set aside as a Private Commons Area (PCA).
- (2) The allowed uses of the PCA shall be limited to ~~may be used for~~ :
 - (a) agriculture,
 - (b) native or xeric plants, such as a stand of cottonwood trees, native and xeric grasses, and shrubs
 - (1) Landscaped areas that are too steep to be usable as active shared pedestrian space cannot exceed 20% of the required PCA.
 - (2) rainwater harvest gardens
 - (3) drainage retention or detention for up to 30% of any individual PCA tract. At least one quarter (1/4) of drainage retention and detention areas larger than 2,000 square feet must have a vegetative cover, as shown in plans approved by the Design Review Board.
 - (4) a developed park, active shared space, including trails and seating areas
 - (5) ~~landscaping, recreation~~ or any combination thereof.

- (F ~~H~~) The PCA may be composed of separate tracts but each shall have a minimum length and width of 35 feet ~~and shall be visible from a public right-of-way~~. Land used for streets, driveways, parking, sidewalks and private yards may not be counted as part of a PCA. No buildings or structures are permitted in a PCA except those necessary for the operation and maintenance of the PCA. A PCA may have underground

Undeveloped land adjacent to a waterway that would be set aside as PCA.



Concept for single family and small compounds around a PCA visible from a public street.



easements. The use of a PCA may be restricted to the residents of the PCD and may be fenced so long as the public's view of the PCA is not significantly diminished.

(I) The tract or tracts of a PCA shall be located within the property according to the following restrictions:

(1) If a property abuts a waterway of the North Valley area, at least one half of the PCA shall be located parallel and adjacent to the waterway.

(2) The PCA may be located in a plazuela compound, provided that no street goes through the PCA and at least 25% of the PCA shall be visible from a public right-of-way.

(3) If the property does not abut a waterway of the North Valley area nor is contained in the plazuela area of a plazuela compound, then at least 25% of the PCA shall be visible from a public street right-of-way.

~~(G)~~ J) The PCA shall be set aside by the developer through a land use easement and restrictive covenants acceptable to the Development Review Board (DRB).

(1) The covenants shall be in the form of recorded deed restrictions and shall be referenced on the subdivision plat.

(2) The covenants shall assure that the PCA will be protected from all forms of development except as shown on an approved site development plan.

(3) The covenants shall require individual lot owners and the members of the homeowner's association, if applicable, to be jointly and severally liable for maintenance of the PCA.

(4) The land use easement, in favor of the city, shall state the proposed allowable use(s) of the PCA, and require that the PCA be maintained by parties who have ownership interest in the PCD.

(5) The land use easement shall state that if the responsible parties fail or refuse to act on maintenance obligations as set forth in the easement, the city shall have the authority to perform such maintenance as necessary to protect public health and safety. The easement shall state that the

city may, after written notice and failure to comply within 30 days, enter upon and maintain the PCA. The easement shall state that the cost of such maintenance plus any other penalties or costs allowed by law in connection therein, shall be assessed against the properties within the PCD and failure to pay assessed charges may result in a municipal lien against each of the individual lots in the PCD. This provision shall not be deemed to create an obligation to act on the part of the city. Under no circumstances will the city maintain recreational uses. Under no circumstances shall the city maintain the PCA for a period longer than one year.

- (H K) A PCD is created by Development Review Board approval of a site development plan and a subdivision plat. Site plan and subdivision approval are contingent upon recorded deed restrictions approved by the DRB.
- (I L) The recorded deed restrictions may not be amended or repealed without the city's prior written approval.
- (J M) Upon recording the plat and all required documents for a PCD the area of the PCD shall be delineated and designated with the letters "PCD" on the official zone map.
- (K N) The Planning Director, at the request of the owner, may void the site development plan and remove the PCD designation if no development has occurred on the site, and the property is replatted to conform to the requirements of the underlying zoning district.